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10
11 UNITED STATES DISTRICT COURT

12 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

13
14 *In re: Hyundai and Kia Engine*
15 *Litigation II*

CASE No. 8:18-cv-02223-JLS-JDE

16 **STATUS UPDATE REGARDING**
17 **NOTICE TO CERTAIN CLASS**
18 **MEMBERS**

19 The Hon. Josephine L. Staton
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1 Defendants Kia America, Inc. and Kia Corporation (collectively, “Kia”) submit
2 this notice to provide an update to the Court regarding defendants’ proposal regarding
3 inadvertent omission of certain class members from class settlement. Dkt. 149.

4 On October 12, 2023, defendants notified the Court that a system error meant
5 certain Kia owners and lessees have not yet received notice of the class settlement.
6 Dkt. 149. In the notice, defendants proposed disseminating a notice package on
7 November 6, 2023, with a cover sheet to accompany the long-form notices explaining
8 that certain deadlines have been extended as a consequence. Dkt. 149-1.

9 On November 3, 2023, the Court approved defendants’ proposal and cover
10 sheet. Dkt. 154. However, due to the timing of the approval, Kia’s settlement
11 administrators were not able to disseminate the notice package on November 6, and
12 instead will now send out the notices on **November 22, 2023**, 16 days later than
13 defendants originally proposed. As the deadlines in the previously submitted cover
14 sheet assumed a November 6 notice date, all the adjusted deadlines have been pushed
15 out by 16 days. The deadlines to opt out and/or object and request to appear have
16 been pushed out an additional two days so that the deadlines would not fall on a
17 holiday. The revised cover sheet is attached as **Exhibit A**.

18 As detailed in the revised cover sheet, for these affected class members only:

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- 20 • Where the notice specifies that the date of the Qualifying Repair must
21 have been performed on or before June 7, 2023, for claims that must be
22 submitted by December 7, 2023, the Qualifying Repairs can instead have
23 been performed on or before **November 22, 2023**, and affected class
24 members have until **February 19, 2024** (instead of December 7, 2023)
25 to submit such claims. For Qualifying Repairs occurring after
26 **November 22, 2023** (instead of June 7, 2023), claims must be submitted
27 within 90 days of when the Qualifying Repair occurred. This affects the
28 following benefits:

- Repair Reimbursements (including the goodwill payment for previously denied warranty repairs)
 - Repair-Related Transportation and Towing Reimbursements
 - Inconvenience Due to Repair Delays
- Where the notice specifies that the date of the Qualifying Failure or Qualifying Fire must have occurred on or before June 7, 2023, for claims that must be submitted by December 7, 2023, Qualifying Failures or Qualifying Fires can instead have occurred on or before **November 22, 2023**, and affected class members have until **February 19, 2024** (instead of December 7, 2023) to submit such claims. For Qualifying Failures or Qualifying Fires occurring after **November 22, 2023** (instead of June 7, 2023), claims must be submitted within 90 days of when the Qualifying Failure or Qualifying Fire occurred. This affects the following benefits:
 - Incidentals for Qualifying Failure or Qualifying Fire
 - Loss of Value for Certain Sold or Traded-In Vehicles
 - Loss of Vehicle by Qualifying Fire
 - Qualifying Failure or Qualifying Fire (Loss of Faith) Rebate
- For the Loss of Value for Certain Sold or Traded-In Vehicles benefit, the vehicle must have been sold or traded in before **November 22, 2023**, not June 7, 2023.
- For the Qualifying Failure or Qualifying Fire (Loss of Faith) Rebate benefit, the vehicle must have been sold or traded in after **November 22, 2023**, not June 7, 2023, and the replacement vehicle purchased after **November 22, 2023**, not June 7, 2023.
- The deadline to opt out and/or object is **December 26, 2023**, instead of August 7, 2023.
- The deadline to install KSDS to qualify for certain benefits is **April 20,**

1 **2024**, instead of November 4, 2024.

2 To account for the new deadlines to opt out and object, defendants propose
3 submitting a status report to the Court by **January 8, 2023**, instead of December 22,
4 2023, updating the Court of any such opt outs and objections and addressing these
5 potential objections.

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7 DATED: November 16, 2023

 QUINN EMANUEL URQUHART &
 SULLIVAN, LLP

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9
10 By /s/ Shon Morgan
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